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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDREW CAMPBELL and
SANDRA CAMPBELL
42 Grove Road
Cromwell, CT 06416
Plaintiffs

v.

ROMARK LOGISTICS OF PA., INC.
100 Cando Expressway (rt 924)
Hazleton, PA 18202
Defendant

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CIVIL ACTION NO.

5547

COMPLAINT

Jurisdiction

1. The Plaintiffs, Andrew and Sandra Campbell, are individuals and husband and wife who reside at 42 Grove Road, Cromwell, Connecticut 06416. The Plaintiffs are citizens of the State of Connecticut.
2. Defendant, Romark Logistics of PA, Inc.(hereinafter referred to as Romark), is a Pennsylvania corporation organized and existing under the laws of the Commonwealth of Pennsylvania which regularly conducts business in the Commonwealth of Pennsylvania with an office for service located at 100 Cando Expressway (Rt. 924), Hazelton, Pennsylvania 18202. The Defendant Romark is a citizen of the Commonwealth of Pennsylvania.
3. This Court has original diversity and amount in controversy jurisdiction over this matter pursuant to 28 U.S.C. §1332(a)(1).
4. The Plaintiff demands a trial by jury.

Facts

5. All times material hereto this Complaint, Defendant Romark, owned, operated, managed, possessed and/or controlled a warehousing, packaging and transportation business and real property located at 100 Cando Expressway (Rt. 924) in Hazelton, Pennsylvania.
6. At all times material to this complaint, the Defendant Romark, their servants, agents, employees, contractors and assigns were responsible for any and all snow and/or ice

removal on the property located at 100 Cando Expressway (Rt. 924) in Hazelton, Pennsylvania.

7. At all times material to this Complaint the Defendant acted or failed to act by and through their agents, servants, workman and/or employees who were then and there acting within the scope of their authority and course of their employment with the Defendant, in furtherance of the Defendant business and on behalf of the Defendant.
8. On or about January 5, 2013 at approximately 3:30 pm, and for sometime prior thereto, Defendants, acting as aforesaid, carelessly and negligently allowed a dangerous and defective condition, to wit an accumulation of ice and/or snow to remain at the premises located at 100 Cando Expressway (Rt. 924) in Hazelton, Pennsylvania.
9. On or about January 5, 2013 at approximately 3:30 pm the Plaintiff drove onto the aforesaid premises, possessed and controlled by the Defendant, at the expressed or implied business invitation of the Defendant, parked his employer's truck in the designated parking area and then exited the truck when he was caused to slip and fall on an accumulation of ice and/or snow negligently and carelessly allowed to accumulate on the Defendant's premises in an area the Defendant knew or should have known the Plaintiff and others like him were likely to traverse.
10. Said Defendant was responsible for the proper maintenance, including but not limited to snow and/or ice removal of the area in which the Plaintiff parked and slipped and fell and to keep said parking area safe for business invitees such as the Plaintiff.
11. On or about January 5, 2013 at approximately 3:30 pm while a business invitee of the Defendant, the Plaintiff Andrew Campbell, did fall by reason of a dangerous and defective condition, an accumulation of ice and/or snow, located in the parking lot area of the Defendant Romark at the aforesaid location causing the Plaintiff, Andrew Campbell to strike his head and suffer the injuries which form the basis for this action.
12. The negligence and carelessness of the Defendant Romark acting as aforesaid consisted of the following:
 - a. Allowing and causing a dangerous and defective condition, an accumulation of ice and/or snow to exist in the parking lot of the Defendant Romark's place of business at the aforesaid location, of which they knew or should have known by exercise of reasonable care;
 - b. Failing to correct said dangerous condition of which they knew or in the exercise of reasonable care should have known constituted a danger to persons lawfully on the premises;

- c. Failing to keep and maintain the aforesaid parking lot in a reasonably safe condition for use by business invitees;
 - d. Failing to provide and maintain an unobstructed and safe route of travel for the Plaintiff, Andrew Campbell;
 - e. Failing to warn the Plaintiff, Andrew Campbell or other business invitees of the existence of said dangerous condition of which Defendant Romark knew or should have known existed;
 - f. Failing to inspect said parking lot at reasonable intervals in order to determine the condition thereof;
 - g. Disregarding the rights and safety of the Plaintiff, Andrew Campbell, by failing to properly remove ice and/or snow in or about the area where the Plaintiff fell;
 - h. Failing to exercise due care under the circumstances by failing to properly remove ice and/or snow in or about an area where the Plaintiff parked his employer's truck;
 - i. Violating the applicable ordinances, statutes and codes of the City of Hazelton, and the Commonwealth of Pennsylvania by failing to properly remove ice and/or snow in or about an area where business invitees were allowed to and expected to park; and
 - j. In being otherwise careless, reckless and negligent, the particulars of which are presently unknown to the Plaintiffs but which may be learned by discovery procedures provided by the Federal Rules of Civil Procedure or which may be learned at trial of this cause.
12. The aforesaid accident was due solely to the negligence and carelessness of the Defendant Romark, their agents, contractors, employees, servants and/or workmen, acting as aforesaid, and was due in no manner whatsoever to any act or failure to act on part of the Plaintiff, Andrew Campbell.

Count I

Plaintiff, Andrew Campbell v. Defendant Romark Logistics of PA, Inc.

13. Plaintiff, Andrew Campbell, hereby incorporates by reference hereto all of the allegations contained in the general averments.
14. As a result of this accident, Plaintiff, Andrew Campbell has suffered injuries as may be diagnosed by Plaintiff's health care providers which are or may be serious and permanent in nature, including but not limited to concussion, post concussive syndrome, closed head injury, traumatic brain injury, cognitive deficits, headaches, nausea, dizziness, drowsiness, fatigue and confusion all of which injuries have in the past, and may in the future cause Plaintiff great pain and suffering.
15. Plaintiff lost the wages of his employment and his earning capacity may have been impaired.

16. Solely as a result of the aforesaid, Plaintiff has been and may in the future be prevented from attending his usual duties, occupation and activities to his great financial detriment and loss.
17. Plaintiff has been and may in the future be compelled to expend large and various sums of money for medicines and medical care in an attempt to cure in himself of his injuries, to his great financial loss and detriment.
18. As direct and reasonable result of the accident aforementioned, Plaintiff has or may hereafter incur other financial expenses which he may otherwise be entitled to recover.
19. As a further result of the accident aforementioned, Plaintiff has suffered severe and physical pain, mental anguish and humiliation and he may continue to suffer same for an indefinite time in the future.

WHEREFORE, Plaintiff, Andrew Campbell demands judgment against the Defendant Romark in a sum in excess of Seventy-five Thousand (\$75,000.00) Dollars.

Count II

Plaintiff, Sandra Campbell v. Defendant Romark Logistics of PA, Inc.

20. Plaintiff Sandra Campbell, hereby incorporates by reference hereto all of the allegations in the General Averments and Count I of this Complaint.
21. Solely as a result of the aforesaid accident Plaintiff, Sandra Campbell, as wife of the Plaintiff, Andrew Campbell, has been deprived of the aid, assistance, society, comfort, companionship, earnings, earning power and consortium of her husband, all of which has been to her great emotional and financial detriment and loss.

WHEREFORE, Plaintiff, Sandra Campbell demands judgment against the Defendant Romark in a sum in excess of Seventy-five Thousand (\$75,000.00) Dollars.

The Plaintiffs,



Andrew V. O'Shea, Esq.
avoshea@comcast.net
1500 JFK Boulevard; Suite 1020
Philadelphia, PA 19102
215-561-1010; 215-762-0465(fax)

MSG

CIVIL COVER SHEET

Case 2:14-cv-05547-MSG Document 1 Filed 09/26/14 Page 5 of 7

The JS 44 civil cover sheet is to be filled in by the filer and is to be filed with the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Andrew Campbell
Sandra Campbell

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Andrew O'Shea, Esq.
Law Offices of Andrew O'Shea
1500 JFK Boulevard; Suite 1020; Philadelphia, PA 19102 215-561-1010

DEFENDANTS

Romark Logistics of Pennsylvania, Inc.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State PTF ☐ 1 DEF ☒ 1 Incorporated or Principal Place of Business In This State PTF ☐ 4 DEF ☒ 4
Citizen of Another State PTF ☒ 2 DEF ☐ 2 Incorporated and Principal Place of Business In Another State PTF ☐ 5 DEF ☐ 5
Citizen or Subject of a Foreign Country PTF ☐ 3 DEF ☐ 3 Foreign Nation PTF ☐ 6 DEF ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:
Premises Liability

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

SEP 26 2014

Address of Plaintiff: 42 Grove Road; Cromwell, CT 06414 **5547**
 Address of Defendant: 100 Cando Expressway (Rt. 924) Hazelton, PA 18202
 Place of Accident, Incident or Transaction: 100 Cando Expressway (Rt. 924) Hazelton, PA 18202
 (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☒ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) Premises liability

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, ANDREW O'Shea, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought

DATE: _____

[Signature]
Attorney-at-Law

85435

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____

Attorney-at-Law

Attorney I.D.#

MSGIN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORMAndrew Campbell
Sandra Campbell

CIVIL ACTION

Roman K Logistics of PA, Inc.

14 NO. 5547

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

09/26/2014
Date
Attorney-at-lawANDREW O'SHEA
Attorney for Plaintiffs

215-561-1010

215-762-0465

avoshea@comcast.net

Telephone

FAX Number

E-Mail Address

(Civ. 660) 10/02

SEP 26 2014